



## Donald Tusk's Government Policy towards Ukraine

by Jan Piekło

- *In result of the PiS government's anti-EU rhetoric, the Ukrainian political elite came to the conclusion that Poland was no longer the best promoter of Kyiv's European integration's ambitions and launched its own campaign directly addressed to Brussels, Berlin and Paris.*
- *Polish policy towards Ukraine has to respond to the new challenges facing the region as the outcome of the Georgian crisis and Russian resurgence, political crisis in Ukraine as well as global economic problems threatening severely the Ukrainian financial and industrial sectors.*
- *One of the most important priorities of Poland is to bring about the liberalisation of the Schengen visa regime and advocate in Brussels for the visa free agreement for the citizens of Ukraine. Such Polish engagement would prove to the Ukrainians that Warsaw is serious about its support for Kyiv's European aspirations.*
- *Euro 2012 is a great chance for Poland and Ukraine to demonstrate to the world that both countries can effectively cooperate and properly manage the massive movement of people through the EU/Ukrainian border.*
- *Polish-Swedish Eastern European Partnership initiative can play a key role in building up the Polish position in the EU. It can also stimulate Ukraine to get more involved in solving the regional problems, maintaining better cooperation with other countries and launching a reform of the state institutions.*
- *The quality and effectiveness of Polish Eastern policy critically depends on improving the communication between the President's office and government. The consensus regarding strategic priorities of Polish foreign policy should be reached for the sake of the national interest.*

## The legacy of the PiS government's Eastern policy

Polish policy of supporting Ukraine during the government of the Law and Justice party (2005–2007) was largely counterproductive. The PiS promoted an approach of verbal declarations related to the prospective Ukrainian membership in EU and NATO. Such an approach, combined with the Kaczynski's government sceptical attitude towards the EU, weakened the Polish position in Europe. Poland was perceived as a troublemaker, disloyal to the fundamental values of the EU, but generating problems and promoting US interests. The pro-Ukrainian, pro-Georgian and anti-Russian rhetoric of PiS contributed to the alienation of Poland in the EU (significantly, before the Georgian crisis most of Western EU countries promoted a policy of trust and openness towards Russia).

The Polish government focused on the dialogue with President Victor Yushchenko, while neglecting the relations with the coalition (Party of Regions and Nasha Ukraina) government lead by then PM Victor Yanukovych. In result, the wider Ukrainian political elite stopped seeing Poland as its most important ally in Kyiv's efforts to join the EU and started intensive communication and lobbying directly addressed to Berlin and Paris. These efforts' tacit assumption was the rejection of the participation in the ENP (European Neighbourhood Policy), which Ukrainians see as aimed at "neighbours" and not future members. Kyiv has strongly opposed this EU approach, which offered Ukraine the same status as the Maghreb countries have under the ENP framework.

## New challenges facing Tusk's government

Following the formation of Tusk's government, the situation in Ukraine and in the region has changed, creating new dramatic challenges. In the result of snap elections in Ukraine (September 30<sup>th</sup>, 2007) Yulia Tymoschenko was re-elected as PM on December 18, 2007 and her party ByuT entered a post-Orange government coalition with Our Ukraine–People's Self-Defense Bloc (associated with President Yushchenko). At the same time Poland entered the Schengen zone, which created a new situation in the previously well functioning Polish-Ukrainian visa regime. The implementation of the Schengen policy was followed by the strike of the Polish custom officers, bringing chaos on the Polish-Ukrainian/Eastern EU border.

Another important external factor was the Russian Presidential elections, held on March 2, 2008 and ended with widely expected appointment of Dmitry Medvedev as the third President of Russia.

Later this year Russia invaded Georgia, violating international treaties and sending a clear signal to Ukraine, the EU and the US that the Kremlin is determined to protect its interests in the Region, also with military means. Then came the financial global

crisis and coalition's collapse in Ukraine. President Yushchenko decided to dissolve Verhovna Rada and call new snap elections, but Yulia Tymoshenko insisted on keeping the coalition alive. The financial crisis hit dramatically Ukraine, creating a panic in the financial sector, reduction in heavy industry and reaction of the International Monetary Fund, which offered to give \$16,4 bn loan to Kyiv.

## **Tusk's visit to Moscow and its consequences for Ukraine-oriented policy**

**O**n February 8<sup>th</sup>, just before the Russian presidential elections, Donald Tusk paid his first visit to the Eastern Europe. He decided to travel first not to Kyiv, but to Moscow. Improving Polish-Russian relations was high on the government's agenda as energy and trade made Russia an important commercial partner. Tusk also wanted to send a clear signal to Brussels that Poland is not inherently anti-Russian and that his government was willing to break with the PiS policy. Such a move weakened the trust of even enthusiastic Ukrainians in Warsaw's unilateral support for the Kyiv cause. Critics in Poland and abroad saw Tusk's visit to Moscow as uneventful and unproductive, especially in the context of upcoming Russian presidential elections, which were not recognized by the international community as fair and democratic. Although the later events in Georgia proved that the criticism of Russia was well justified, in the eyes of then very pro-Russian Western EU countries Tusk passed a test of openness to dialogue with Moscow. Such a move paved him a way to maintaining good relations with Berlin, Brussels and Paris.

## **Schengen enlargement, new visa policy and its impact on Ukraine**

**T**he Schengen enlargement resulted with long lines in front of the Polish consulates (especially in Western Ukraine) and the growing frustration and disillusionment among the Ukrainians. Till then the citizens of Ukraine were entitled to receive Polish visa free of charge and the whole procedure lasted one day. Schengen regulations imposed a number of restrictions on Ukrainians, including visa fee and new, much longer and more complicated procedures. The introduction of the Schengen regime was followed by a strike of Polish custom officers, which contributed to creating a negative image of Poland in Ukraine. The worst situation was in the Lviv consulate (which is one of the biggest consulates in Europe), where media reported cases of corruption and incompetence of visa officers, who refused to give visas to the representatives of Ukrainian cultural elite. Lviv consulate's problems were also related to the limited office space for visa issuing. Finally, after long and difficult negotiations with the local Lviv authorities, the Polish side signed a deal for building the new office, which should help improve the critical situation.

Poland has the biggest network of consulates in Ukraine: Kyiv, Kharkiv, Odessa, Luck. There are also talks about opening a new consulate in Western Ukraine. Most of the Ukrainians (especially in Western Ukraine) apply for a Schengen visa to Polish consulates. Paradoxically, many Ukrainians still believe, in spite of all the above-mentioned problems, that the easiest way of obtaining a Schengen visa is through a Polish consulate.

## **Small border traffic agreement's failure and its impact**

**B**russels has rejected the text of Polish-Ukrainian agreement on the small border traffic because of the controversies over proposed 50 km border zone covered by the special arrangement. The negotiations were launched by the previous PiS government and got later signed by Tusk's cabinet. Now, the whole process has to be started from beginning – the agreement needs to be renegotiated.

The agreement's rejection by Brussels has fueled the Ukrainian frustration over their general treatment by the EU and lack of EU perspective's offer. In order to cross the PL/UA border the Ukrainian citizens in the border zone have to apply for a costly Schengen visa (the practice of the Polish consulates is to offer at first only one-entry permit). This strongly affects cross-border traffic, also changing the pattern of illegal trade/smuggling, so popular in this part of Europe (profit can be made on selling the cheaper Ukrainian gasoline, cigarettes and alcohol on the Polish local markets). In the eyes of Ukrainians, the Polish citizens are privileged, because they do not need a visa for entering Ukraine. As a kind of retaliation, Ukrainian border guards and custom officers often slow down the traffic of cars with the Polish license plates, sometimes forcing the drivers to pay the bribe for getting served.

Another instrument which became politically controversial in Ukraine is the so-called Charter of a Pole. The Russian language media in Ukraine voiced a rumor that in order to divide the country, Poland is distributing under this name Polish passports, especially to the Ukrainian citizens living in Western Ukraine. Such misinformation served as a counterbalance to the revelations about Russia distributing Russian passports to the inhabitants of Crimea (Sevastopol and Yalta).

## **The significance of Lviv for Polish-Ukrainian relations**

**L**viv has always been and still is a city of special importance for the Polish-Ukrainian relations. Although long lasting political efforts have finally solved the conflict over the cemetery of "Lviv Eagles" (young Polish volunteers killed during the Polish-Ukrainian fights over controlling Lviv in

1918–1919), there are still some resentments alive, connected with the past of the city. Ukrainian nationalists like to promote Lviv's links with the history of the Ukrainian independence movement (OUN and UPA) and remember about the expulsion of ethnic Ukrainians from the Eastern Poland following the WWII (Vistula Action lasting till 1947). The Polish side revokes the echoes of the Volyn massacre and would like to talk about role the UPA and OUN played in it. Stepan Bandera's (UPA Commander) monument was erected in Lviv in 2008. The Western Ukrainians treat the soldiers of SS Galizien Division as national heroes; the Poles consider them to be Nazi collaborators. The Polish guides, tourists and visitors in Lviv sometimes behave in a way which might hurt Ukrainian national feelings, although both sides benefit from the bilateral exchange and trade.

Fortunately, nowadays this kind of behaviour is not the mainstream of the Polish-Ukrainian relations, but there is still a potential which can be used for dividing the two nations, as it had been done in the past by Germans, Russians and Soviets.

## **Euro 2012 – threats and challenges in the context of Polish-Ukrainian cooperation**

**M**ichael Platini's announcement on 18 April 2007 that Poland and Ukraine were selected to host the 2012 European Football Championship was received with overwhelming enthusiasm in both capitals – Warsaw and Kyiv. Although Donald Tusk and his party's members developed special affection for football, there was no genuine cooperation launched between Poland and Ukraine in coordinating preparations to the championship. The focus of the Polish PM was to bring the PZPN (the Polish Football Association) under the government control in order to purge it of corruption. These efforts ended up with a scandal, which almost undermined Poland's ability to host Euro in 2012. At that time in Ukraine the oligarchs declared their financial contribution for championship's organisation. Platini paid a visit to both countries and no decision was taken in regard of changing the UEFA's decision. Only Grzegorz Lato, the newly elected President of PZPN, announced – not very wisely – that if Ukraine is not ready, Poland can organise Euro 2012 in cooperation with Germany. His comment raised a wave of criticism and demarches.

The current financial crisis, which hit severely Ukraine, can badly affect the Ukrainian preparations for Euro 2012. This means that the Polish side should be ready to provide advice and assistance to its partner. The most critical situation is in Lviv, where there is no progress in securing the financing for the stadium and for upgrading the infrastructure. For Poland, matches played in Lviv mean a desired stimulation for the local economy and step forward in maintaining the best possible relations with Western Ukraine.



## Polish-Swedish Eastern Partnership (EP) and Ukrainian reactions

**E**astern Partnership (EP) – a new Polish-Swedish initiative was announced on May 23<sup>rd</sup>, 2008. The Polish diplomacy secured support of Stockholm for proposing to Brussels an upgrade of ENP (European Neighborhood Policy). Soon afterwards, the events in Georgia demonstrated the weaknesses of the ENP so that new ideas are needed for strengthening the EU offer into the Eastern direction.

The EP proposal declared:

- Deepening of bilateral co-operation. An offer of more profound integration with the EU should be extended to all eastern partners. First and foremost Ukraine would benefit from this; others would follow according to ambition and performance.
- Creating of a permanent formula for multilateral co-operation complementary to the existing regional co-operation schemes.

The EP will cover 27 EU countries and 6 Eastern partners embraced by the ENP: Ukraine, Moldova, Azerbaijan, Armenia, Georgia and Belarus. Ukraine has welcomed the new initiative, finding it much more convincing and attractive. The EU has offered to Kyiv a more prestigious associate membership status and stimulated it to play a leading role in the Region. The work has begun for putting the content of concrete projects ideas into the framework of new initiative.

## The new context – conflict in Georgia, elections in Belarus and crisis in Kyiv

**T**he new developments in the Region and in Ukraine have created a new context for Polish-Ukrainian relations. Russia's invasion of Georgia posed a threat to European security and further ignited the conflict between President Victor Yushchenko and PM Yulia Tymoshenko over her alleged collaboration with Moscow. Russia also accused Ukraine of supporting Georgians. On the other hand, warships of the Russian Black Sea Fleet, which is stationed in the Ukrainian city of Sevastopol in Crimea, took part in the military operation in Georgia, thereby putting Ukraine in a difficult political position. This annoyed President Victor Yushchenko, who in response issued a decree requiring the Sevastopol fleet to give 72 hours' notice of any ship movements in or out of the port. Russia ignored this. Ukraine's foreign minister noted that "Russia should start, without delay, to make preparations for the withdrawal of its fleet in 2017". President Dmitry Medvedev immediately replied that Moscow is ready to negotiate with Ukraine about the use of the Black Sea Fleet in the Crimea, but will not let Kyiv dictate terms. The next warning step was taken by the pro-Russian parliament of the Autonomous Republic of Crimea which passed a resolution requesting Verhovna Rada to recognize independence of South Ossetia and Abkhazia.

Ukraine also started investigating the claims that Russia had been distributing Russian passports to the inhabitants of Sevastopol, which immediately raised fears that Moscow, by encouraging separatist sentiments in Crimea, plans to regain control over this strategically important peninsula. The same tactic was used by the Kremlin in the breakaway regions of South Ossetia and Abkhazia, giving Russia an excuse for military intervention in Georgia under the umbrella of protecting the Russian minority.

The Kremlin also sent strong warning signals to Moldova, where Russian troops are stationed on the territory of Transnistria (the other frozen conflict zone in the Region). Then Moscow launched a diplomatic offensive in other countries of South Caucasus, trying to expand its political influence and counterbalance a negative effect of Russian intervention in Georgia through brokering the talks between Azeris and Armenians.

2007 Belarus parliamentary elections created an opportunity for EU and international community to test the will of the Lukashenka regime for implementing elements of democratic reforms. The outcome of the elections was not satisfactory, but Belarus – trying to balance between Russia and EU – expects some rewards from the West for not recognizing the independence of South Ossetia and Abkhazia.

There is no doubt now that the main front-line in this game played by Russia cuts across Ukraine. The confrontation could be tough and costly, and will test the resolve of the EU. There is also no doubt that West must show more determination in keeping Ukraine on its westward path because this is essential to a more secure and prosperous Europe.

## **The differences between the Polish President's and the Prime Minister's policy on Ukraine**

**T**he Polish political scene to some extent mirrors the Ukrainian one. In Warsaw, just like in Kyiv, the conflict between President and PM blocks the way to effective policy making. But the fundamental difference is that Poland is a member of NATO and the EU, while Ukraine is torn between the democratic West and ever more aggressive Russia.

The Polish President has developed good communication with his Ukrainian counterpart. They share similar values and political vision backing a fundamental approach towards Moscow. Both of them are on friendly terms with the Georgian president Michael Saakashvili and both, accompanied by their Baltic counterparts, arrived to Tbilisi during the last conflict, demonstrating their support for Georgian cause.

Although the Polish PM claimed to have an excellent understanding with his Ukrainian partner, there are no signs proving that Tusk's relations with Tymoshenko are that good.

It seems that – unlike Lech Kaczynski – the Polish PM has decided to keep Ukraine at some distance, trying to work within the EU framework rather than to develop an independent position. The new Polish-Swedish EEP initiative is a good example of such an approach, which – especially after a period of the Kaczynskis brothers' critical policy towards the EU – can strengthen the Polish position within the EU.

Paradoxically such two-track approach might benefit both Poland and Ukraine, but under one condition – that there is genuinely good communication between the President and the PM, which – unfortunately for both our countries – is not the case.

## **Strategic policy recommendations**

### **General long-term recommendations**

Polish diplomacy should develop a long-term strategy for its Eastern Policy. Regarding Ukraine such strategy should take into consideration four possible scenarios:

- Ukraine is successfully implementing reforms and moving towards NATO and EU membership;
- Ukraine decides to cooperate more closely with Moscow while abandoning its EU and NATO ambitions;
- Political chaos is deepening and the Ukrainian state finds itself on the edge of collapse and territorial division of the country;
- Russia decides to attack Ukraine (using for example as a pretext the issue of protecting the Russian speaking minorities in Crimea).

The strategy should also include a wider dimension of regional and international (EU, new US administration, Russia) cooperation, while taking into account the global economic crisis.

Until now Poland has failed to develop a convincing vision of its Eastern Policy. Warsaw's approach has offered a mix of wishful thinking, romantic vision of the Orange Revolution and simple negation of the Kaczynski brothers' undertakings. A proper step forward could be to treat EEP as a good starting point for developing the new vision.

### **Practical short-term recommendations**

- Solving the visa issue and easing the flow of people and goods across our frontier is a top priority. These issues determine Poland's image and credibility in Ukraine. As we cannot modify the rules governing the Schengen arrangements, we should do everything to ease this process. Poland should also advocate in Brussels for negotiating with Kyiv the visa free agreement for the citizens of Ukraine.



- Efforts undertaken within the EU to ease the visa policy should be supported by a drive on the part of Poland's police, custom officers and border guards to fight against organised crime and illegal immigration. The scale of Poland's cooperation with Ukrainian police and customs services should also be increased. We should also constantly remind Kiev about the need to put a functioning frontier with Russia in place.
- The number of contacts between regions and individuals has to be increased. Such contacts should focus on EU related issues and business relations between cities and regions. This concerns contacts with Ukraine as well as partners from the "old" member states. These contacts would then help to build a pro-Ukrainian lobby throughout the entire EU.
- The level of youth exchange between Poland and Ukraine has to increase. It is worth considering the Polish-German *Jugendwerk* as a model for Polish-Ukrainian youth exchange.
- The status of Ukrainians living in Poland illegally has to be legalised.
- The joint organization of the Euro 2012 European football championships is a unique chance for cooperation at all levels between our two states and societies as well as for promoting the cause of Ukraine in the member states. This cooperation should be given the highest priority. In this regard especially Lviv should receive the logistic and financial assistance from the Polish side for upgrading the infrastructure and building the stadium.
- Strengthening the reconciliation process between Poles and Ukrainians remains an urgent challenge. We should never forget that the need to remember the past events carries the risk of tensions between our two societies – tensions which can work to the advantage of third countries.
- In the economic field, state institutions must support Polish investment in Ukraine. We also need to examine if such support is needed for Ukrainian investment in Poland. We must encourage Ukraine to improve its legislation in such a way as to make business feel more secure and trade more effective.
- We have to build support for Ukrainian accession to the EU and NATO among the member countries of these two organisations within a diplomatic framework.
- Energy Security – Ukraine is an important transit country which can help to diversify sources of energy for Europe. Cooperation in this field is an important element of Ukraine's pro-European policy and the EU common energy policy. Poland should devote more attention to this field and work for meaningful progress to be made on such project as the Odessa – Brody pipeline and other alternative initiatives.
- The time when Poland alone could campaign for Ukrainian membership of the UE is over. Nowadays we should be working to convince the unconvinced i.e., Germany

and France, possibly within the framework of the Weimar Triangle. At the same time we should build a group of “Friends of the Ukraine”, which would be made up of the countries inclined to support Kiev on its way to the EU. This group would presumably be composed of the Baltic countries, some of the Nordics, the V-4 countries and the United Kingdom.

- Weimar Triangle might also be a good political instrument for cooperating with Ukraine. Poland could initiate the revival of this initiative, this time targeting Eastern Europe. A plan might be to propose a launch of a Weimar Fund (modeled on e.g. International Visegrad Fund established in 2000), which would provide funding for multilateral programs supporting democratic changes in Eastern Europe. The Weimar Fund could make a significant contribution to the revitalisation of the European and transatlantic democracy assistance efforts.
- The quality and effectiveness of Polish Eastern policy depends very much on improving the communication between the President's office and Donald Tusk's government. The consensus regarding strategic priorities of the Polish foreign policy should be reached for the sake of state's interest.

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